

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL YOUNG,)	
)	
Plaintiff,)	08 C 302
)	
vs.)	Honorable Judge
)	Virginia Kendall
LIEUTENANT MARILYN MARTINEZ et. al.)	
)	
Defendants.)	

DEFENDANTS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

NOW COME Defendants, Cook County Sheriff Thomas Dart, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms, Officer Thomas Cintron and Mr. Lone Williams, by their attorney Richard A. Devine State's Attorney of Cook County, through his Assistant Michael L. Gallagher and answer the Plaintiff's Amended Complaint as follows:

1. On July 28, 2007, Defendant L. Williams, Mr. Cintron, Mr. Loizon and Mr. Dominguez, did, on this day, while acting under color of state law in their individual capacity as employees of Cook County Department of Corrections working for Sheriff Thomas J. Dart. Did on this date conspired to violate Plaintiff Mr. Michael Young Fourth Amendment Constitutional rights to be secured in his person against unreasonable use of force.

ANSWER: Defendants deny the allegations contained in paragraph 1.

2. When these defendants shook the Plaintiff cell down with the use of employees disguised as Emergency Response Team (E.R.T.) to confiscate and destroy Plaintiff criminal court documents, pictures and letters to provoke Plaintiff into a physical altercation.

ANSWER: Defendants deny the allegations contained in paragraph 2.

3. Resulting in these defendants and with the use of Emergency Response Team using oak sticks, helmets, shields, leather gloves and mace to beat Plaintiff up.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3.

4. While defendant Ms. Harms held the video camera who deliberately turned the camera away from the beating so that it would not be recorded that all pre-trial detainees received.

ANSWER: Defendants deny the allegations contained in paragraph 4.

5. Plaintiff was struck with sticks and stumped with feet and sprayed with Chemical Mace.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5.

6. Officer A. Villarreal kicked Plaintiff in face and head several times while handcuffed on the floor.

ANSWER: Defendants deny the allegations contained in paragraph 6.

7. On August 8, 2007, Defendant L. Williams and Defendant Ms. Martinez, did on this day while acting under color of state law as Cook County Department of Corrections Employees working for Sheriff Thomas J. Dart in their individual capacity, did on this day, conspired to cover up the physical altercation that took place with Plaintiff Mr. Michael Young.

ANSWER: Defendants deny the allegations contained in paragraph 7.

8. When they fabricated a disciplinary report alleging the Plaintiff refused to lock-up in order to give justification to Defendants Mr. Cintron, Mr. Loizon and Mr. Dominguez and the Emergency Response Team to beat Plaintiff up and discipline him by giving him 30 days in disciplinary confinement without any evidence to support the finding, in violation of Plaintiff Fourteenth Amendment right to procedural due process.

ANSWER: Defendants deny the allegations contained in paragraph 8.

AFFIRMATIVE DEFENSES

NOW COME Defendants, Cook County Sheriff Thomas Dart, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms, Officer Thomas Cintron and Mr. Lone Williams, by their attorney, Richard A. Devine, Cook County State's Attorney, through his assistant, Michael L. Gallagher, and the state the following Affirmative Defenses:

1. The Defendants' conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, the Defendants are entitled to the defense of Qualified Immunity.

2. The Plaintiff has failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). See Massey v. Helman 196 F.3d 727 (7th Cir. 1999).

WHEREFORE, based upon the foregoing, Defendants Cook County Sheriff Thomas Dart, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms, Officer Thomas Cintron and Mr. Lone Williams, respectfully request that this Honorable Court grant judgment in their favor and against the Plaintiff on all aspects of his Amended Complaint and further request that this Honorable Court grant any other such relief that this Court deems just and appropriate.

JURY DEMAND

Defendants, Cook County Sheriff Thomas Dart, Lieutenant Marilyn Martinez, Lieutenant Richard Dominguez, Officer Danielle Harms, Officer Thomas Cintron and Mr. Lone Williams respectfully demand trial by jury.

Respectfully Submitted,

RICHARD A. DEVINE
State's Attorney of Cook County

/s/ Michael L. Gallagher
Michael L. Gallagher
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-3124
No. 6284132